THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.16482 & 18805 of 2006

Date :30-10-2006

Between:

Smt.Shantha Bai w/o.Umed Singh .. Petitioner

And

Municipal Corporation of Hyderabad,
Represented by its Commissioner,
Tank Bund, Basheerbagh,
Hyderabad and others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.Nos.16482 & 18805 of 2006

COMMON ORDER:

1. The writ petitioner in W.P.No.16482/2006 is the 2nd respondent in W.P.No.18805/2006. The writ petitioner in W.P.No.18805/2006 is the 3rd respondent in W.P.No.16482/2006.

2. W.P.No.16482/2006 is filed for a writ of mandamus declaring the action of the 1st respondent in not removing the unauthorised and illegal constructions made by the 1st respondent over the property bearing Municipal No.23-4-698 and 699, Sultanshahi, Hyderabad as being arbitrary, illegal and violative of Article 14 of the Constitution of India and to pass such other suitable orders. Likewise, the 3rd respondent in the said Writ Petition filed W.P.No.18805/2006 praying for a writ of mandamus declaring the action of the 1st respondent in not removing the unauthorised structures over the premises bearing Municipal No.23-4-697, Sultan Shahi, Hyderabad as arbitrary, illegal and violative of Article 14 of the Constitution of India and to pass such other suitable orders.

3. Several factual details are narrated in the respective affidavits filed in support of these Writ Petitions. In the counter affidavit filed by 1st respondent in W.P.No.16482/2006 it is stated that it is a fact that the 1st

respondent granted permission to respondents 2 and 3 for the proposed construction of ground plus two upper floors duly dismantling the existing structure of the premises No.23-4-698 & 699 to 701 vide permit No.133/82, dated 21-2-2006 in file No.698, 699 to 701/4/23/06. It is also stated that respondents 2 and 3 had started construction and the same is at initial stage. It is further stated that if respondents 2 and 3 deviate from the sanctioned plan, then, the 1st respondent is bound to take action as per the procedure established by Law.

4. In the light of the facts and circumstances which had been narrated in detail, these Writ Petitions are disposed of directing the 1st respondent to look into the respective grievances of the writ petitioners in both the Writ Petitions, put them on notice, give a hearing and take appropriate action, if necessary, depending upon the facts and circumstances in accordance with law.

5. With the above directions the Writ Petitions are disposed of. No costs.

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Justice P.S. Narayana

Date : 30-10-2006

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